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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 13-00667 WHA
)	
Plaintiff,)	
)	MOTION TO FILE OPPOSITION TO MOTION
v.)	UNDER 28 U.S.C. § 2255 LATE AND
)	[PROPOSED] ORDER
CLEOPHAS KIRKSEY,)	
)	
Defendant.)	
)	

The United States hereby moves to file its opposition to defendant's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 out of time. The Court initially set the due date of the government's response as August 8, 2016. Unfortunately, the ECF notice was served only on an Assistant United States Attorney who left the office many years ago, and no current Assistant United States Attorney entered an appearance. Accordingly, undersigned counsel did not note the new due date, and the opposition was not filed on August 8. For that reason, the government seeks leave to file its opposition on August 10, 2016.

Counsel for Kirksey does not object to the government's late filing.

DATED: August 10, 2016

Respectfully submitted,


BRIAN J. STRETCH
United States Attorney

Jerome Mayer-Cantú
JEROME MAYER-CANTÚ
Assistant United States Attorney

The United States' Motion to File Opposition to Motion Under 28 U.S.C. § 2255 is hereby
GRANTED. The Opposition shall be filed on August 10, 2016.

IT IS SO ORDERED.

Dated: August 11, 2016.


WILLIAM ALSUP
United States District Judge